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8 UNITED STATES DISTRICT COURT FOR THE
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 STATE OF WASHINGTON,
12 Plaintiff,

13 v.

14 ENVIRONMENTAL PROTECTION
15 AGENCY, an agency of the United States,
16 and ANDREW R. WHEELER, in his
17 official capacity as Acting Administrator,
Defendants.

CASE NO. C18-0645 RSM
JOINT STATUS REPORT
and ORDER

18 COME NOW Plaintiff THE STATE OF WASHINGTON and Defendants
19 ENVIRONMENTAL PROTECTION AGENCY ("EPA") and ANDREW R. WHEELER
20 hereby provide the Court with a Joint Status Report.

21 As the Court is aware, in this Freedom of Information Act ("FOIA") suit, Plaintiff
22 seeks records of communications from EPA employees to former and current members of
23 any EPA Federal Advisory Committee related to a directive issued by then-Administrator
24 Pruitt on October 31, 2017, and occurring between that date and March 1, 2018. Since
25 the last status report, the parties have discussed the status of approximately thirty
26 documents previously withheld by EPA as either exempt from disclosure or as non-
27 responsive attachments to emails.
28

1 In the interest of narrowing the issues before the Court, EPA is willing to produce
2 some of the thirty documents in whole or in part (as a discretionary release
3 notwithstanding EPA's position that the documents were properly withheld under FOIA).
4 EPA intends to produce the documents and portions of documents designated for
5 discretionary release on February 28, 2019. In order to permit Plaintiff with enough time
6 to review the production to determine if it believes that any issues remain concerning the
7 thirty withheld documents, the parties jointly propose a joint status report to be filed on or
8 before April 1, 2019 to permit these discussions to occur between the parties.

9 DATED this 27th day of February, 2019.

10 Respectfully Submitted,
11 BRIAN T. MORAN
12 United States Attorney

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Dated this 27th day of February 2019.

RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE